



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
Masahiko NISHIKAWA

Group Art Unit: **2621**

Serial Number: **09/784,308**

Examiner: **Jamie J. Vent**

Filed: **February 16, 2001**

Confirmation Number: **2236**

For: **DIGITAL CAMERA**

Attorney Docket Number: **010169**

Customer Number: **38834**

PRE-APPEAL BRIEF – REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

April 2, 2007

Sir:

This request is being filed concurrent with a Notice of Appeal in compliance with 37 C.F.R. §41.31. Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this Request.

REMARKS

Claims 1-7, 9-10, and 12-13 are currently pending.

Claims 7 and 9-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Suga et al. in view of Nagasaki et al. and Anderson. Applicants respectfully submit that the Examiner has clearly erred in asserting that Suga discloses the limitation of claim 7 as maintained in the Final Office Action of November 1, 2006.

Specifically, in the Final Office Action, the Examiner asserts on page 4, lines 1-9 that the primary reference of Suga discloses:

A first producer for producing an image for recording based on the image for recording produced by said first producer (Figure 10 shows the first producer as the recording medium selector 64 which produces the recording image signal);

A second and third producer for producing an image having a lower resolution by making resolution-reducing process on the main image signal for recording produced by said first producer (Figure 10 shows the display controller 4 which acts as the second producer of the image signal).

It is respectfully submitted it is respectfully submitted that the Examiner's reliance on Suga for teaching the features of claim 7 concerning *a second producer for producing an image for display having a lower resolution by making a resolution-reducing process on the main image for recording produced by said first producer* is lacking.

That is, it is submitted that Suga discloses in col. 3, lines 27-29, "406, a memory for temporally storing the output from the A/D converter 403, i.e. raw data of the image sensing device 402." In addition, Suga discloses in col. 3, lines 34-35, "421, a recording medium for recording the compressed image data."

However, Suga is not concerned with producing an image for display based on the data captured from the image sensing device 402. Instead, according to Suga, "[r]eference numeral 4 denotes a display controller for controlling the displayed contents on the display 501,"¹ wherein

¹ Please see, lines 16-17, col. 4 of Suga.

“FIGS. 11 to 13 are views showing examples of displayed contents used for setting the image sensing mode and the image sensing parameter or parameters.”² (Emphasis added).

In other words, the display 4 is used to display the image sensing modes 304, 305, the frame rates 307 to 309 and pixels per frame 311 to 313 and not image data based on the data captured by the image sensing device 402. Moreover, the frame rates 307 to 309 and pixels per frames 311 to 313 are based on the selected sensing mode, sequential or single, and the available mode/parameter for an inserted recording medium 421 and have no relationship to the processing speed of the signal processing circuit 404 or the compression circuit 405.

Therefore, Suga is not concerned with producing an image for display based on the data captured from the image sensing device 402. As such, it is submitted that Suga fails to disclose or fairly suggest the features of claim 7 concerning *a second producer for producing an image for display having a lower resolution by making a resolution-reducing process on the main image for recording produced by said first producer; a third producer for producing a size-reduced image for recording having a lower resolution by making a resolution-reducing process on the image for display produced by said second producer.*

² Please see, lines 13-16, col. 7 of Suga.

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Further, in the present invention, pursuant to claim 7, the converter is provided in the first producer on the assumption that each of the main image for recording, the image for display and the size-reduced image for recording correspond to the YUV format, and therefore, a converting process of the image format is once completed by the first producer. It is submitted that the Examiner has not specifically address this feature regarding the converter of the YUV format being included in the first producer.

It is submitted that Suga fails to disclose or fairly suggest converting an image format to a YUV format. More specifically, it is noted that Suga is silent and fails to even mention converting an image format into a YUV format. Accordingly, it is submitted that it is impossible for Suga to disclose such features of claim 7 concerning *wherein said first producer includes a converter for converting an image format to a YUV format, and each of the main image for recording, the image for display and the size-reduced image for recording is an image corresponding to said YUV format.*

Moreover, it is submitted that the secondary references of Nagasaki et al. and Anderson fail to cure the deficiencies of Suga.

In view of the above remarks, Applicants submit that the rejection has a clear error. Moreover, it is submitted that during an Examiner telephone interview conducted on March 13,

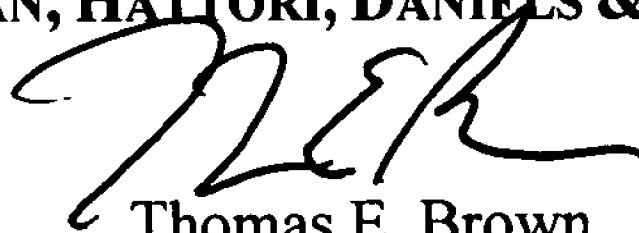
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2007, the Examiner acknowledged the above-noted drawbacks and deficiencies of the Suga reference as it pertains to the features of claim 7. The Examiner also indicated that she would withdraw her reliance on this reference in view of such drawbacks and deficiencies. Accordingly, it is respectfully requested that the rejection of the claims be withdrawn and the application be passed on to allowance.

If any additional fees are due in connection with this submission, please charge Deposit Account No. 50-2866.

Respectfully submitted,

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